IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15246 of 2003

Between:

New Selection Medical & General Stores,

Plot No. 96, Shop No. 6, Mallareddy Complex,

Shapoornagar, Qutubullapur Mandal,

Ranga Reddy District rep by its partner-
P. Sridhar

..... PETITIONER

AND

1 Assistant Director, Drugs Control Administration,

Regional Office (OTC), Vengalrao Nagar, Hyderabad.
2 The Drugs Inspector, Head quarters, Jeedimetla Zone,
Vengalrao Nagar, Hyderabad-500 038

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ more in the nature of Writ of Mandamus declaring that the proceedings No. RC. No. 2320/SIC/RO/OTC/Hyd/2003 dated 30-6-2003 passed by the respondent No. 1 as null and void in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.M.GOVIND REDDY
Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMILY WELFARE

The Court made the following:

ORDER:

Heard both sides and at the request of both the counsel, the main writ petition itself is taken up for final disposal.

The petitioner, who is running the business of sale of medical products, filed this writ petition, *inter alia*, seeking a writ of mandamus declaring the proceedings dated 30.0632003 as null and void. This Court has granted interim directions in W.P.M.P.No.18861 of 2003 dated 24.07.2003.

However, having heard the counsel on either side and especially taking into consideration the fact that the petitioner has an alternate remedy of appeal under Section 30 Rule 66(2) of the Drugs and Cosmetics Rules, 1945, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of directing the petitioner to file an appeal within a period of four weeks from today before the Appellate Authority, and on receipt of which, the said Appellate Authority shall dispose of the appeal, on merits, in accordance with law, after giving notice and opportunity to both sides. It is needless to mention that the interim orders granted by this Court shall continue till the disposal of the appeal. No costs.

7th September, 2004

To

1 Assistant Director, Drugs Control Administration,

Regional Office (OTC), Vengalrao Nagar, Hyderabad.

2 The Drugs Inspector, Head quarters, Jeedimetla Zone,
Vengalrao Nagar, Hyderabad-500 038

3 Two CCs to Government Pleader for Medical Health and

Family Welfare, High Court Buildings, Hyderabad. (OUT)

4 Two CD copies.

sj